

**RULES
OF
THE BOARD OF REGENTS
OF THE
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
INSTITUTIONAL STUDENT DISCIPLINARY RULES**

**CHAPTER 0240-3-1
AUSTIN PEAY STATE UNIVERSITY
STUDENT DISCIPLINARY RULES**

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0240-3-1-.01 INSTITUTION POLICY STATEMENT.

- (1) University students are citizens of the State, local and national governments, or are citizens of other countries, and of the academic community, and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of higher education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents has authorized the President of the University to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization, the University has developed the following Regulations, which are intended to govern student conduct on the campus. In addition, students are subject to all federal, state, and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institution may enforce its own regulations regardless of a proceeding instituted by other authorities. Conversely, violation of any section of these Regulations may subject a student to disciplinary measures by the institution whether or not such conduct is simultaneously violative of state, local, or national laws.
- (3) Disciplinary action may be taken against a student for violations of the foregoing Regulations which occur on University owned, leased, or otherwise controlled property, or which occur offcampus when the conduct impairs, interferes with, obstructs any University activity or the missions, processes and functions of the University. In addition, disciplinary action may be taken on the basis of any conduct, on or off campus, which violates local, state, or federal laws, which violates University policies for Student Organizations, or which poses a substantial threat to persons or property within the University Community,
- (4) For the purpose of these Regulations, a "student" shall mean any person who is registered for study at Austin Peay State University for any academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period, and during any period which the student is under suspension from the university.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 2611; effective July 1, 1985. New rule file April 28, 1983; effective July 13, 1983. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 6, 2002; effective January 28, 2003.

0240-3-1-.02 DISCIPLINARY OFFENSES.

- (1) Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution or institution controlled property.
- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:
 - (a) Conduct dangerous to self or others. Any conduct which constitutes a serious danger to one's self or any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse.
 - (b) Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
 - (c) Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals (this may include inappropriate behavior resulting from the use of or being under the influence of alcoholic beverages or drugs);
 - (d) Obstruction of or interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional activity, program, event or facilities, including the following:
 1. Any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities.
 2. Interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event or facilities.
 3. Any obstruction or delay of a campus security officer, fireman, or any institution official in the performance of his/her duty.
 4. Any form of disruptive behavior in the classroom, during any campus event or activity, or at any location on campus.
 - (e) Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage, destruction, defacing, disfiguring or unauthorized use of property belonging to the institution including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library materials, computing resources, and/or safety devices; and any such act against a member of the institution community or a guest of the institution;
 - (f) Theft, misappropriation, or unauthorized cards. Any act of theft, misappropriation, or unauthorized possession, use or sale of institution property or any such act against a member of the institution community or a guest of the institution.
 - (g) Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of University documents, forms, records or identification cards, including the giving of any false

(Rule 0240-3-1-.02, continued)

information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the University; failure to carry the APSU ID card at all times or to show it upon proper request;

- (h) Firearms and other dangerous weapons. Any possession of or use of firearms or dangerous weapons of any kind on University property. Firearms or dangerous weapons include, but are not limited to: rifles, handguns, BB guns, stun guns, knives, martial arts equipment, bows and arrows, paint guns, etc., or other objects with the potential to cause bodily harm.
- (i) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic beverages. The use and/or possession of alcoholic beverages and/or public intoxication on University owned or controlled property, or the violation of any local ordinance or state, or federal law concerning alcoholic beverages, on or off campus, or a violation of any terms of the Austin Peay State University Drug-Free Policy Statement. In addition, officially registered student organizations that sponsor events off campus, where alcoholic beverages are present and available for consumption, must adhere to all local, state and national laws concerning alcoholic beverages and must follow the University's Risk Management guidelines for Student Organizations.
- (k) Drugs. The unlawful possession or use of any drug or controlled substance or drug paraphernalia (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance, or a violation of any terms of the Austin Peay State University Drug-Free Policy Statement;
- (l) Gambling. Gambling in any form;
- (m) Financial irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution community acting in an official capacity;
- (n) Unacceptable conduct in hearings. Any conduct at an institutional hearing involving contemptuous, disorderly behavior, or the giving of false testimony or other evidence at any hearing;
- (o) Failure to cooperate with institutional officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
- (p) Violation of general rules and regulations. Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (q) Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the offenses, or the aiding and abetting of the commission of any of the offenses (an "attempt" to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission);
- (r) Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated here in by reference.

(Rule 0240-3-1-.02, continued)

- (s) Violation of imposed disciplinary sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University official or a constituted body including, but not limited to, sanctions contained herein.
- (t) Harassment. Any act of harassment by an individual or group against a student, faculty member or another group. Harassment shall include, but not be limited to insults, heckling, verbal abuse, threats of physical abuse, unwanted suggestions of a sexual nature, repeated teasing or annoyance to another, repeated unsolicited phone calls made with the intent to harass, or other actions considered disturbing to others.
- (u) Violations of University Residence Hall or Apartment policies or regulations. The violation of any policies or regulations (Rule 0240-4-1) which appear in printed materials distributed to resident students (i.e., housing license agreements, handbooks for residents, etc.)
- (v) Sexual Battery/Rape. Any act of sexual battery or rape as defined by state law.
- (w) Tobacco. The use of tobacco products is prohibited in University buildings (except in individual resident rooms or otherwise designated areas) and in vehicles owned or operated exclusively by the University. (See APSU Policy 99-022)
- (x) Pets. With the exception of “service animals” and the exception of animals used for academic research purposes, animals are prohibited on campus. The term “service animal” is defined as any animal individually trained to do work or perform tasks for the benefit of a person with a disability (e.g., a guide dog, signal dog, etc.). “Service animals” perform some of the functions and tasks that the individual with a disability cannot perform for him/herself. The University may require reasonable documentation that the animal is certified as a “service animal” by a recognized training program.
- (y) Filing a false complaint or statement, Any behavior whereby a student knowingly submits a false complaint or statement alleging a violation of these regulations by a student, organization, or university employee.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 7, 1995; effective December 29, 1995. Amendment filed July 3, 1996; November 28, 1996. Amendment November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 6, 2002; effective January 28, 2003.

0240-3-1-.03 ACADEMIC AND CLASSROOM MISCONDUCT.

- (1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct, or conduct violative of the general rules and regulations of the institution. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures established by the division of Student Affairs.
- (2) Academic dishonesty may be defined as any act of dishonesty in academic work. This includes, but is not limited to, plagiarism, the changing or falsifying of any academic documents or materials, cheating and the giving or receiving of unauthorized aid in tests, examinations, or other assigned work. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. Penalties for academic

(Rule 0240-3-1-.03, continued)

misconduct will vary with the seriousness of the offense and may include, but are not limited to, a grade of "F" on the work in question, a grade of "F" for the course, reprimand, probation, suspension, and expulsion.

- (3) If the student believes that he or she has been erroneously accused of academic misconduct and if his or her final grade has been lowered as a result, the student may appeal the case through the Academic Grievance Procedures.
- (4) Disruptive behavior in the classroom may be defined, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
- (5) Class attendance and punctuality requirements are contracted between the faculty and the students, through specific expectations for attendance and punctuality and specific consequences that are outlined by individual faculty members in the printed syllabus for each course.

Students are expected to attend classes regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled. In cases where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury or incapacitating illness), for which students are unable to make immediate contact with faculty, the student may contact the Office of Student Affairs for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for completion of course work requirements.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 6, 2002; effective January 28, 2003.

0240-3-1-.04 DISCIPLINARY SANCTIONS.

- (1) Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions.
 - (a) Restitution. A student who has committed an offense against property may be required to reimburse the institution or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
 - (b) Reprimand. A written reprimand or censure may be given any student or organization whose conduct violates any part of these regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student the he or she is in effect being given another chance to conduct himself/herself as a proper member of the institution community, but that any further violation may result in more serious penalties.
 - (c) Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include but is not limited to the following: denial of the right to represent the institution in any way, denial of the use of University facilities and/or parking

(Rule 0240-3-1-.04, continued)

privileges, restriction of participation in extracurricular activities, restriction of organizational privileges including registration and restriction of the transfer of academic credit from another institution.

- (d) University probation. Continued enrollment of a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restriction upon the extracurricular activities of a student. Parents may be notified. Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.
- (e) Suspension. If a student is suspended, he or she is separated from the University or from a class for a stated period of time with conditions for readmission stated in the notice of suspension. Parents may be notified.
- (f) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's readmission to the institution. Parents may be notified.
- (g) Interim or Summary Suspension. Though as a general rule, the status of a student accused of violations of these regulations should not be altered until a final determination has been made in regard to the charges against him, summary suspension may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused or of any other member of the institution community or its guest, destruction of property, or substantial disruption of classroom or other campus activities. A final determination of the charges against any student summarily suspended shall be made through appropriate hearing procedures within ten (10) class days of such suspension during which time the accused shall forfeit all rights and privileges as a student of the University. Parents may be notified.
- (h) Housing Probation. A resident placed on housing probation is deemed not to be in good standing with the housing community, and his/her continued residence is conditioned upon adherence to these Regulations and the Housing Contract. Any resident placed on probation shall be notified in writing of the terms and length of the probation. Parents may be notified. Any conduct of a similar or more serious nature in violation of the probation shall result in suspension from housing.
- (i) Housing Suspension and Forfeiture. A resident suspended for housing may not reside, visit, or make any use whatsoever of a housing faculty or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit within forty-eight (48) hours. Housing suspension shall remain a part of the student's disciplinary record. Parents may be notified.
- (j) Service to the University. A student may be required to donate a specified number of service hours to the University, by way of performing reasonable tasks for the appropriate University office or officials. This service shall be commensurate to the offense the student is guilty of violating (i.e., service for maintenance staff for defacing University property).
- (k) Special Educational Program. A student may be required to participate in any special educational programs relevant to the offense, to attend special seminars or educational programs, or to prepare a project or report concerning a relevant topic.

(Rule 0240-3-1-.04, continued)

- (l) Interim or Summary Suspension from Campus Housing. Though as a general rule, the status of a student accused of violations of these regulations should not be altered until a final determination has been made in regard to the charges against him, interim suspension from campus housing may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused in Austin Peay State housing constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the institution community or its guests, or the destruction of property. A final determination of the charges against any student summarily suspended from the campus housing shall be made through appropriate hearing procedures within seven (7) class days of such housing suspension during which time the accused shall forfeit the right to reside in or visit campus housing facilities. The accused shall be permitted to attend classes during this interim period. Parents may be notified.
 - (m) Referral for Intervention, assessment and/or Counseling. The student is mandated to visit the appropriate University official for an initial intervention and assessment which may be followed by required participation and a prescribed plan of action or treatment plan. Parents may be notified.
 - (n) Fines. Penalties in the form of fines may be enforced against a student or an organization whenever the appropriate hearing officer(s) or hearing body deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines to the Business Office within two weeks of the decision will result in further disciplinary action.
- (3) The President of the University is authorized, in his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by the Public chapter 26; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed April 20, 1987; effective July 29, 1987. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed June 1, 1990; effective September 26, 1990. Amendment filed April 23 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 6, 2002; effective January 28, 2003.

0240-3-1-.05 DISCIPLINARY PROCEDURE.

- (1) Alternative Hearing Procedures.
 - (a) Procedures conforming to the Tennessee Uniform Administrative Procedures Act. All cases which may result in (i) suspension or expulsion of a student from the institution, a program, or a course for disciplinary reasons, (ii) the assignment of a grade which results in the grade of "F" in the course for academic misconduct, or (iii) revocation of registration of a student organization during the term of the registration are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA) and shall be processed in accordance with the uniform contested case procedures adopted by the Board of Regents, unless the student waives those procedures in writing and elects to have his or her case heard by the University Hearing Board.
 - (b) Cases which are not subject to the contested case procedures under the Tennessee Uniform Administrative Procedures Act and cases in which a student has waived the contested case procedures in writing shall be processed in accordance with Institutional Hearing Procedures. The University has established two (2) alternate Institutional Hearing Procedures:
 - 1. A hearing conducted by one or more Student Affairs Administrators.

(Rule 0240-3-1-.05, continued)

2. A hearing conducted by the University Hearing Board. (Note: This option shall be available until the final ten (10) class days of each semester, or the final five (5) class days of the second summer term, during which time all disciplinary hearings will be conducted by appropriate Student affairs Administrators, except those cases subject to TUAPA procedures as selected by the accused students.)
- (c) Cases which are not subject to the contested case procedures under the Tennessee Uniform Administrative Procedures Act and which involve very minor first offenses by students may be discussed informally with students. In such cases, no formal record will be maintained in the judicial records of the University. The University official responsible for conducting this informal disciplinary discussion shall note the name of the student involved in his/her personal records. The purpose of this notation is only to determine a student's prior involvement in a minor offense, when and if a second offense occurs at a later date. If the student is subsequently involved in another violation of regulations, this Informal Record will become a part of the students Formal disciplinary Records.
 - (d) Jurisdiction of Cases to be Heard by Student Affairs Administrators:
 1. All formal cases involving incidents which occur in University residence halls and/or apartments and which involve on-campus residents shall be heard by the Residence Life, Staff, or designee.
 2. All other Formal cases shall be heard by the Assistant Vice President for Student Affairs, or appropriate designee, except in cases where such staff is not available or has a bias toward either party in the pending case. In such cases the Vice President for Student Affairs shall assign one or more Student Affairs Administrators to hear the case.
- (2) Commencement of Disciplinary Proceedings.
 - (a) A student accused of violating University disciplinary rules shall be called before the appropriate Student Affairs Administrator for a preliminary conference at which the student will be orally advised of the following:
 1. The charges against him/her,
 2. The rights afforded him/her by the hearing procedures, which are available;
 3. The hearing procedure options available; and
 4. The responsibilities of the accused student in the disciplinary procedures.
 - (b) A student may WAIVE the right to a preliminary conference and an oral explanation of the items listed in rule 0240-3-1-.05(2)(a).
 - (c) Once advised of the hearing options, the accused student must select an option within 3 class days of receipt of notice of pending charges against him/her. The student elects the procedure to be followed by completing and signing an Election of Procedure form and/or waiver form. Once the election shall be made, the decision is final and may not be changed during the pendency of the matter.
 - (d) Cases of alleged sexual assault. Regardless of the procedure elected, in cases involving alleged sexual assault, both the accuser and the accused shall be informed of the following:

(Rule 0240-3-1-.05, continued)

1. Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding; and
 2. Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.
- (3) Institutional Hearing Rights. These rights shall be afforded the accused student in all University hearings before the appropriate Student Affairs Administrator or the University Hearing Board.
- (a) The right to choose the appropriate hearing option. This right must be exercised within twenty-four (24) hours of the presentation of charges. (NOTE: The University Hearing board option shall be available until the final ten (10) class days of each semester, or the final five (5) class days of the second summer term, during which time all disciplinary hearings will be conducted by appropriate Student Affairs Administrators, except those cases subject to TUAPA procedures as selected by the accused student.)
 - (b) The right to written notice of the time and place of the hearing at least three (3) days in advance. A justified delay may be granted. (This right may be waived in writing by the accused student).
 - (c) The right to a written statement of the charges in detail sufficient to enable the student to prepare a defense.
 - (d) The right to be accompanied by an advisor of the student's choice, but such participation shall be limited to advising the student.
 - (e) The right to a statement of the possible sanctions that may be imposed as a result of a finding of violation of the code.
 - (f) The right to present witnesses in the student's behalf and to question any witnesses presented against the student. The student is responsible for the attendance of any witnesses to be present in the student's behalf.
 - (g) The right to be informed in writing of :
 1. The final administrative decision in the case.
 2. The proper procedure for appeal.
 - (h) The right to be provided copies, upon request and in accordance with University Policy, of all complaints, reports, witness statements and other written materials used in determining the charges.

Rights of Complainant and/or Victim. The University members (student, faculty or staff) who author "complaints" or "statements" as a Victim in the alleged violation shall have the following rights:

- * To be notified of his/her RIGHTS prior to making a statement.
- * To be informed that any written statement made or signed will be shared with the accused student, and that the accused student may request a copy of the statement.
- * To attend the Hearing.
- * To have an Advisor present during the Hearing.

(Rule 0240-3-1-.05, continued)

- * To be given the opportunity to question all witnesses and the accused during the Hearing.
- * To be provided a copy of any statement he/she has written or dictated to others.
- * To be able to submit a list of witnesses to be called to the Hearing.
- * To be permitted to DROP the charges ONLY up to the date of the Hearing.
- * To be notified of the outcome of the Hearing, including the finding concerning responsibility and any sanctions taken.

(4) Institutional Hearing Procedures.

- (a) Hearing Before a Student Affairs Administrator. The appropriate Student Affairs Administrator shall act as hearing officer in the hearing and shall determine both innocence or guilt and shall apply sanctions as appropriate.
- (b) Hearings before the University Hearing Board. Procedures for the Board include the following:
 - 1. The University Hearing Board shall be composed of nine (9) persons: five (5) students, selected from the Student Tribunal Justices of the Student Government Association; two (2) faculty and two (2) administrators, all appointed by the University President.
 - 2. The Chair of the board shall be appointed by the University President.
 - 3. A minimum of five (5) members of the Board are required to hear a disciplinary case, composed of at least two (2) students, one (1) faculty member and one (1) administrator.
 - 4. The Assistant Vice President for Student Affairs shall train and advise this Board in appropriate disciplinary procedures.

(5) Appeals

- (a) Any sanction imposed as the result of a hearing conducted under the code shall be effective upon notification of the student unless the hearing authority deems a stay of such sanction desirable pending appeal.
- (b) In any case where the decision results in separation from the University, the decision shall be reviewed by the Vice President for Student Affairs prior to notifying the Office of the Registrar and the appropriate Academic Department in which the student has been enrolled.
- (c) Consideration of the appeal shall be limited to the record of the previous hearing on the following issues:
 - 1. Were the procedures of the code properly followed in the hearing?
 - 2. Was the evidence presented at the hearing “substantial”?
 - 3. Was the sanction imposed in keeping with the gravity of the violation?
- (d) An appeal in writing setting forth grounds for the appeal and addressed to the appropriate appellate authority (as outlined in the next section) must be received in the Office of the Vice

(Rule 0240-3-1-.05, continued)

President for Student Affairs within three (3) class days after the student is notified of the sanction imposed at any hearing or appellate level.

(6) Route of Appeal.

- (a) A decision by a Student Affairs Administrator may be appealed to the Vice President for Student Affairs, or designee.
- (b) A decision by the University Hearing Board may be appealed to the Vice President for Student Affairs, or designee.

(7) Appellate Authority

The Vice President for Student Affairs, or designee, shall have the authority to do any of the following upon review of an appeal:

- (a) Sustain the previous decision including the penalty imposed, or
- (b) Sustain the previous decision but impose a greater or lesser penalty, or
- (c) Remand the case for further consideration, or
- (d) Reverse the previous decision.

(8) Student Organization Disciplinary Procedures

- (a) Types of Student Organizations. Student organizations may be either organizations sponsored by the University, such as student government associations, associated student body organizations and professional and honor societies, or organizations registered by the University. Organizations, which may be registered to operate on campus, include the following:

1. Honors and leadership organizations and recognition societies;
2. Departmental organizations and professional fraternities and sororities;
3. Social fraternities and sororities; and
4. Special interest groups (political, religious, athletic, etc.).
5. Registration of a student organization by the University shall neither constitute nor be construed as approval or endorsement by the University of the purposes or objective of the organization.

- (b) General Policies on Student Organizations

1. No student organization may carry on any activity on the campus unless the organization has been registered by the University.
2. The University shall not be responsible for injuries or damages to persons or property resulting from the activities of student organizations, or for any debts or liabilities by such organizations.

(Rule 0240-3-1-.05, continued)

3. No student organization shall deny membership to any person on the basis of age, race, sex, religion, handicap, veteran status or national origin, provided the social fraternities and sororities may have sex restricted membership.
 4. No student organization or individual shall engage in or condone any form of hazing. (See statement on hazing in section on Disciplinary Offenses.)
 5. Student organizations shall be vicariously responsible and liable for the conduct and actions of each member of the organization and for their guests while acting in the capacity of a member or while attending or participation in any activity of the organization. Such actions must not be in violation of the Code of Student Conduct.
 6. No lease or other agreements affecting real property for a period in excess of one year or for rental in excess of \$12,000 per year shall be entered into between in the University and an organization without the approval of the Chancellor of the Board of Regents or his/her designee.
 7. No person, group or organization may use the name of the University in any manner, provided that registered student organizations may use the name of the University following the name of the organization. No person, group or organization may use the seal or any symbol of the University without the prior written approval of the president or his/her designee.
 8. Student organizations that sponsor events off campus, where alcoholic beverages are present and available for consumption, must adhere to all local, state and national laws concerning alcoholic beverages and must follow the University's risk management guidelines for student organizations.
- (c) Sanctions Against Student Organizations. Any registered student organization may be given a reprimand, be placed on probation, suspension, and/or restriction or may have its registration withdrawn by the Assistant Vice President for Student Affairs, or by another Student Affairs Administrator appointed by Vice President for Student Affairs. Such actions may be taken after having a hearing conducted in accordance with the procedures outlined in this document for disciplinary procedures. In the case of Withdrawal of Registration of an organization, the procedures to be used will be the contested case provisions of the Tennessee Uniform Administrative Procedures Act, unless those provisions have been waived in writing by an authorized representative of the student organization. Such action may be taken for any one of the following reasons:
1. The organization fails to maintain compliance with the initial requirements for registration.
 2. The organization ceases to operate as an active organization.
 3. The organization requests withdrawal of registration.
 4. The organization operated or engaged in any activity in violation of the rules and regulations of the University, of any governing body, federal or state laws.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed April 3, 1987; effective July 29, 1987. Amendment filed August 29, 1988; effective October 29, 1988. Amendment filed June 1, 1990; effective September 26, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996;

effective November 28, 1996. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 6, 2002; effective January 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004.

0240-3-1-.06 REPEALED.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed August 29, 1988; effective October 29, 1988. Amendment filed April 23, 1993; effective July 28, 1993. Repealed filed February 28, 2000; effective June 28, 2000.

0240-3-1-.07 TRAFFIC AND PARKING REGULATIONS.

- (1) Purpose. The purpose of these regulations is to facilitate the orderly and efficient flow of traffic on campus, to provide a safe atmosphere with regards to both pedestrians and other motor vehicle operators, and provide order with regards to parking within our limited space allocations.
- (2) General.
 - (a) All members of the campus community will be afforded the opportunity to become familiar with these regulations. All persons receiving a parking decal will be offered a copy of the parking regulation along with a detailed map of parking locations by category. Persons are expected to read and familiarize themselves with these regulations. Accordingly, when found in violation, ignorance of these regulations is no excuse or defense.
 - (b) The President and Vice President for Finance and Administration directs all matters concerning traffic and parking on campus, unless delegated to the Director of Public Safety/Chief of Campus Police. The Director/Chief is responsible for the enforcement of these regulations. The Director/Chief is authorized to selectively enforce or not enforce certain regulations and parking categories based on special events and circumstances that require special accommodation.
 - (c) Austin Peay State University assumes no responsibility for the care and protection of any vehicle or its contents while parked or driven on University property. In addition, the University assumes no responsibility for the care or protection of any vehicle or its contents if it is immobilized, towed and removed, or stored for violation of these regulations.
 - (d) Persons are entitled to only one category of parking decal at a time. Persons will be identified based on their primary affiliation with the University - either student or faculty/staff. Graduate assistants and part-time student workers, for instance, are not entitled to faculty/staff decals. Decals are not transferable and not authorized for use by a person other than to whom issued, particularly by a person in a different parking category. Only those persons who are neither students nor faculty/staff, are entitled to visitor passes.
 - (e) Austin Peay State University acknowledges that there are a limited number of parking spaces within the immediate vicinity of many facilities. Notwithstanding, there are a sufficient number of total spaces on campus grounds and adjacent city streets for everyone to park legally. Possession of a valid decal is the recipient's right to secure available, legal parking on campus - it is not a guarantee for parking in particular locations or in particular categories of spaces. The limited number of designated spaces for visitors, resident hall students, faculty/staff and disabled persons mandates stringent enforcement of parking regulations. Everyone is encouraged to respect the rights of others, and to allow sufficient time, usually a maximum of 5-10 minutes, to walk from available parking spaces to classrooms or facilities. A shuttle service operating throughout the main campus is available, currently from Sunday through Thursday, from 7:00-11:00 p.m., by calling Campus Police at 221-7786.
 - (f) Vehicles parked on campus are required to be maintained in operating condition. No maintenance involving replacement of major components such as engines, or the replacement of hazardous fluids such as oil and transmission fluid, is authorized without consent of Director of

(Rule 0240-3-1-.07, continued)

Safety/Chief of Campus Police or Director of Housing. Vehicles not maintained in operating condition and left un-moved for extended periods of time will be considered abandoned, and disposed of consistent with state law.

- (g) Persons are responsible for citations incurred with their decals and/or vehicles. Persons will also be held liable for violations incurred by a vehicle, when that vehicle is reasonably shown to be associated with the person. Examples include vehicles shown to be registered to spouses or family members of students/faculty/staff. This will not be confused with the right to first obtain a visitor pass or request a second decal in the provisions below.
- (3) Parking zones, authorized overflow areas and hours of enforcement. The University will assign and publish a color-coded list or otherwise-designated markings for the following categories:
- (a) Faculty and Staff spaces. These spaces are also authorized for those with visitor passes and disabled decals at all hours. Parking in faculty/staff spaces is not enforced on days when the University is officially closed (weekends, holidays, etc.), and not enforced from 4:30 p.m. through 6:00 a.m. when school is in session.
 - (b) Resident Hall Student spaces. These spaces are enforced on a 24-hour basis whether classes are held or not. Only those with valid resident hall decals, valid disabled decals, and visitor passes issued only by Public Safety/Campus Police expressly for that category, are authorized to park in those spaces. Resident hall spaces will be broken into further color-coded categories, and resident students may only park in the colored area associated with their residence hall. Those with resident hall decals are also authorized to park in commuter spaces only in the Armory parking lot located west of the football stadium.
 - (c) Commuting Students and Married Housing spaces. These spaces are also authorized for visitors with passes, those with disabled decals, and resident hall decal holders in the Armory lot only. Commuting spaces are enforced only between the hours of 6:00 a.m. and 4:30 p.m. on days when classes are in session.
 - (d) Visitor spaces. Only holders of visitor passes and those with disabled decals are authorized to park in these spaces. Visitor passes will not be issued, and will not be used by current faculty, staff, or students. In addition to designated visitor spaces, visitors with passes may use all legal parking spaces on campus except resident student spaces (unless under the provisions of (b) above). Visitor spaces are enforced between the hours of 6:00 a.m. and 4:30 p.m. on days when classes are in session.
 - (e) Emergency/Public Safety and Physical Plant/Maintenance Spaces. As a matter of public safety and the need to conduct critical maintenance in support of university operations, all but these types of official vehicles are forbidden to park in these spaces on a 24-hour basis.
- (4) Obtaining and displaying decals and passes.
- (a) General:
 - 1. Annual parking fee for all persons is \$25.00 per decal, except disabled persons' decals, which are free of charge. The annual registration period lasts from August 16 through August 15. The University is authorized to charge a prorated fee for summer or other reduced periods.
 - 2. Hanging decals are issued to persons, not vehicles, and are not required to be permanently affixed to a vehicle. Persons in valid possession of a parking decal may drive any conveyance, if legally registered, insured, and in safe operating condition, with

(Rule 0240-3-1-.07, continued)

their decal displayed. Persons are encouraged but not required to provide specific vehicle information on the registration form to aid campus police in the identification of their vehicle for administrative or emergency purposes.

3. Second decals. Because decals may be used on any vehicle desired under control of the operator/decal holder, only Emerald Hills/married housing students and families qualify automatically for a second decal. Only students/faculty staff that present extraordinary circumstances in writing, approved by the Director/Chief, are authorized a second decal. Second decals cost \$25.00. Resident hall students will not be awarded a second decal. Everyone is reminded and encouraged to use the temporary and visitor pass provisions below when desired.
 - (b) Faculty/staff decals. Complete registration and render payment at the Business Office window in the Browning Building.
 - (c) Student decals. Parking fee is included in the general access fee on student financial statements. Complete registration with Campus Police at the Shasteen building or at announced, additional locations at the beginning of the academic year.
 - (d) Disabled Persons parking. Disabled parking decals are issued to qualified students/faculty/staff in lieu of any other decal. Decals are obtained from Public Safety/Campus Police upon the presentation of a license or placard issued by any state specifically to the person requesting the decal. Temporary disabled permits are issued under the authority of the Director of Health Services and entitle the bearer to the same parking privileges for short periods of time.
 - (e) Visitor permits. Visitor permits will be issued by Public Safety/Campus Police at the Shasteen Building, and may also be issued by the Directors of Admissions, Advancement, Alumni Affairs, and the University Center. Visitor permits will only be issued in hard, color copy, and will not be forwarded to any other party electronically. Only Public Safety can issue visitor permits authorized for use in resident hall spaces.
 - (f) Temporary decals. Unlike visitor decals, temporary decals are issued to members of the campus community who otherwise qualify for a regular decal. Temporary decals are issued by Public Safety/Campus Police for a maximum of fourteen (14) days and are assigned a specific category and/or color code.
 - (g) Displaying the decal/permit. Decals designed to be hung from rear-view mirrors will be so displayed, and/or affixed to the inside in the center of the windshield, with registration number facing out. The hanging decal system, provided as a convenience at the request of the campus community, presents potential abuses and a challenge to enforcement. The success of the program rests on the requirement to enforce the display of decals at all times while on campus.
 - (h) Lost or stolen decals/permits. Lost or stolen decals/permits must be reported immediately to Public Safety/Campus Police. A temporary decal will be issued for fourteen (14) days. If the original decal is not recovered during that time, the operator will obtain and pay for a new decal.
- (5) Violations.
 - (a) Moving violations. Note: Campus Police are commissioned and authorized to enforce all state motor vehicle laws on university property and all roads contiguous to campus. They are authorized to issue either a State or University citation when both state law and university regulations are violated in the following cases:

(Rule 0240-3-1-.07, continued)

1. Failure to obey stop sign or traffic signal.
 2. Failure to yield to pedestrians in crosswalk. (note: extends to any pedestrian who has stepped off the curb and onto the roadway, for the entire length of the crosswalk).
 3. Traveling wrong-way on a one-way marked street.
 4. Operating a motor vehicle off a marked roadway on campus grounds.
 5. Speeding.
 6. Failure to yield right-of-way.
 7. Failure to obey lawful directions of a police officer.
 8. Failure of motorcycle operator or rider to wear certified, protective headgear.
 9. Failure to yield to emergency vehicle.
- (b) Parking violations
1. Parking in driveways, loading zones including dumpsters, crosswalks, sidewalks, or pedestrian walkways.
 2. Parking in roadway or otherwise obstructing flow of traffic.
 3. Parking on campus grounds or cultivated area unless designated for parking.
 4. Parking in "No parking" zone.
 5. Parking on wrong side of street - facing opposite direction of traffic.
 6. Parking outside designated space and/or occupying two spaces.
 7. Parking within fifteen (15) feet of a fire hydrant.
 8. Parking within twenty (20) feet of street intersection or entrance/exits.
 9. Failure to display decal or permit.
 10. Improper display of decal/permit - inability to read permit.
 11. Possession/use of a forged/altered/lost/stolen decal or permit.
 12. Parking in unauthorized zone.
 13. Unauthorized parking in visitor, maintenance or emergency vehicle space.
 14. Unauthorized parking in disabled parking area including adjacent access area and curb cuts.
- (c) Other. Persons who obtain a decal/permit through misrepresentation, and/or transfer control of decal to a party not otherwise entitled to those privileges, will be subject to action under the provisions of student/employee disciplinary procedures.

(Rule 0240-3-1-.07, continued)

(6) Schedule of Fines.

- (a) Moving violations when written as a University citation: \$35.00
- (b) Parking Violations:
 - 1. Unauthorized parking in visitor, maintenance or emergency vehicle space: \$35.00
 - 2. Unauthorized parking in disabled parking area: \$100.00
 - 3. Possession/use of a forged/alterd/lost/stolen decal or permit: \$25.00 and revocation of parking privileges for remainder of semester/term.
 - 4. All other parking fines: \$25.00

(7) Repeat Offenders.

- (a) Immobilization. Persons who receive more than three (3) citations in one semester, regardless of status of appeals under the provisions below, may be charged under the Student Code of Conduct, and are subject to having their vehicle immobilized (“booted”).
 - 1. When a vehicle is booted, no attempt will be made to remove or damage the boot. Attempts to drive the vehicle while the boot is emplaced are hazardous and will result in vehicle damage.
 - 2. Persons whose vehicle has been immobilized will report to Public Safety/Campus Police, where they will be given a processing form. Persons will document with the business office that all previous fines have been paid or appealed, and will document a meeting with their respective Vice President or designated representative.
 - 3. Upon completion of the form, persons will present the form to Public Safety/Campus Police, and the boot will be removed.
 - 4. Persons who do not make provisions to complete the above requirements within seven (7) calendar days, will have their vehicle towed under the provisions outlined below.
- (b) Towing and impoundment.
 - 1. Vehicles are subject to tow if:
 - (i) Declared abandoned under the provisions of state law, obstructing traffic or otherwise creating a safety hazard, blocking emergency vehicles and equipment and/or the ability to perform essential repairs.
 - (ii) The vehicle has already been immobilized once for repeat violations, and subsequently found in violation again.
 - (iii) Parked in an area marked as a “tow-away” zone for publicly announced events or activities, including but not limited to, areas designated for motorcycle/driver training, and Gov’s Club parking for athletic events.

(Rule 0240-3-1-.07, continued)

2. Vehicles will be towed and impounded by a licensed and bonded towing service contracted by the University. Persons whose vehicles are towed, are responsible for settling towing and storage fees directly with the towing service.
3. Vehicles not reclaimed will be subject to disposition under state law.
4. Persons whose vehicles are towed after repeat violations and after having been immobilized once, are subject to immediate revocation of parking privileges for the remainder of the semester/term. Further attempts to park on campus without authorization will be referred to the appropriate Vice President for disciplinary action.

(8) Payment of Fines and Appeals.

(a) Fines:

1. Fines are paid through the University Business Office and cannot be accepted at Public Safety/Campus Police.
2. Posting of fines from Public Safety/Campus Police to the Business Office normally takes three to five (3 to 5) working days.
3. Failure of students to satisfy payment of fines will result in withholding grades, transcripts, and the ability to register for subsequent semesters. Faculty/staff must satisfy payment of fines during the semester/term the fine was incurred. Failure to do so may result in a payroll deduction.

(b) Appeals:

1. General.
 - (i) Upon receipt of a citation, persons have three (3) class days to submit an appeal. Appeals received outside that window will not be considered.
 - (ii) Appeal forms can be obtained from Public Safety/Campus Police, or completed and submitted online at www.apsu.edu/police.
 - (iii) Issuing officers will be afforded the opportunity to comment on appeals before presented to the appeal authority.
2. Student Appeals.
 - (i) The Student Tribunal shall hear and decide all student appeals.
 - (ii) The Tribunal will consist of a minimum of three (3) members, and rule by majority vote.
 - (iii) The Tribunal will meet at a minimum of every two weeks and report findings in writing to the student who appealed to the Public Safety/Campus Police and the Business Office.
 - (iv) Students may further appeal the Tribunal's decision in accordance with the procedures established in the Code of Student Conduct, 0240-3-1-.05(5).

(Rule 0240-3-1-.07, continued)

- (v) When the University is not in session, the Vice President for Student Affairs will hear and decide appeals, and announce results in the same manner as the Tribunal.
3. Faculty/Staff Appeals. A committee consisting of faculty and staff shall hear all faculty and staff citation appeals at least once per semester and report results in the same manner as the Tribunal.

Authority: T.C.A. §49-8-203. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed August 29, 1988; effective October 29, 1988. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed October 8, 2003; effective February 27, 2004.

0240-3-1-.08 MOTOR VEHICLE REGISTRATION.

- (1) Persons eligible to operate motor vehicles on the Austin Peay State University campus must register their vehicles with the Campus Police.
- (2) No vehicle is considered officially registered until proper Austin Peay State University decal is displayed on the lower left section of the vehicle rear window. Convertibles may place decal on lower left side (driver's side) of front windshield. Faculty/Staff decals are to be hung on the rear view mirror inside the vehicle.
- (3) Applicants should be prepared to furnish the title, certificate of registration, proof of liability insurance, license number, description and make of the automobile.
- (4) Visitor/Guest Parking Permit.
 - (a) Visitors/Guests of the University who will be on campus for one day or more are required to obtain a Visitor/Guest Parking Permit from the Department of Public Safety.
 - (b) Students and faculty/staff members who have already purchased a decal should obtain temporary parking permits for vehicles brought to campus for temporary periods (a day or two). Unless approval is received by the Chief of APSU Police, only two temporary decals will be issued per vehicle per semester.
- (5) Decals will be sold according to the classifications as noted in 0240-3-1-.07 (3)(a)(1).
- (6) Disabled parking permits.
 - (a) Temporary disabled parking decals may be applied for at Student Health Services.
 - (b) For information concerning permanent/temporary disabled parking privileges contact Student Health Services.
- (7) Each person is responsible for all citations received on an automobile registered in his/her name. Loaning the vehicle to a friend/relative is no excuse.
- (8) It is the responsibility of students, faculty and staff to report any change in status, e.g., driving an unregistered vehicle while registered vehicle is being repaired, change in ownership, etc. Temporary parking permits can be issued in these and similar cases.

(Rule 0240-3-1-.08, continued)

- (9) Persons registering a vehicle on campus are expected to comply with all state, county and city ordinances relating to the ownership, registration and operation of motor vehicles. Traffic incidents and accidents which occur on the campus of APSU which could lead to a suit initiated by either party involved will be referred to the Campus Police for investigation. Resident students may register only one vehicle at a time. Commuting students, faculty staff are limited to two decals per academic year.
- (10) Any person who obtains a vehicle registration through misrepresentation will be subject to disciplinary action.
 - (a) No one may register a vehicle for anyone other than himself.
 - (b) No vehicle shall have more than one current decal displayed nor shall any person have a decal for more than one zone classification displayed.
 - (c) Any person who materially misrepresents any fact in the adjustment of a traffic citation will be subject to disciplinary action.
 - (d) No person shall register or consent to the registration of an automobile by another person to enable:
- (11) Lost or stolen decals must be reported immediately to Campus Police. A Temporary Parking Permit will be issued for two weeks. If the decal is not located within that time, a new decal must be purchased at the original purchase price.

Authority: T.C.A. §49-8-302. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999.